REMARKS

Claims 1-23 are pending. Claims 18-21 are currently amended. No new matter is introduced.

The Examiner rejected claims 18-21 as allegedly directed to non-statutory subject matter under 35 U.S.C. Section 101. The Examiner's rejection is respectfully traversed. While it is believed claims 18-21 were directed to allowable subject matter prior to amendment, to expedite prosecution claims 18-21 have been amended and the amendments are believed to obviate the Examiner's concerns.

The Examiner rejected claims 1, 3-8, 10-20 and 22 under 35 U.S.C. Section 103(a) as allegedly obvious over U.S. Patent Publication No. 2004/0264397 by Benveniste in view of U.S. Patent No. 7,274,691 by Rogers. The Examiner rejected claims 2, 9, 21 and 23 under 35 U.S.C. Section 103(a) as allegedly obvious over Benveniste in view of Rogers and U.S. Patent Publication No. 2003/0126244 by Smith, et al. The Examiner's rejections are respectfully traversed.

Independent claim 1 recites, "[a] method to determine in a network component when to provide service to client devices operating in power-saving mode in a wireless network, said method comprising: receiving requests for service from respective ones of said client devices, the received requests for service including a request for scheduled service received from a first one of the client devices and a request for unscheduled service received from a second one of the client devices, said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value ..." The Examiner concedes that Benveniste does not disclose the recited "said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner points to Column 10, lines 35-43 of Rogers. The cited portion of Rogers

instead refers to identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. Further, Rogers appears to be completely unrelated to devices operating in a power-saving mode. The Examiner does not argue that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 1 obvious at least because the references do not disclose "said network component being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value," as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claims 2-7 are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 8 recites, "said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said device being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner concedes this functionality is not disclosed by Benveniste. The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. Further, Rogers appears to be completely unrelated to devices operating in a power-saving mode. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 8 obvious at least because the references do not disclose "said device being informed of said request for scheduled service by a field of a traffic specification format being set to a first value, said device being informed of said request for unscheduled service by said field of said traffic specification format being set to a second value

different from said first value," as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claims 9-17 are allowable at least by virtue of their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 18, both before and after amendment, recites, "review ... said requests for service, the requests for service including requests for scheduled service and requests for unscheduled service, said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner concedes Benveniste does not disclose "said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 18 obvious at least because the references do not disclose "said network component being informed of said requests for scheduled service by a field of a traffic specification format being set to a first value, said network component being informed of said requests for unscheduled service by said field of said traffic specification format being set to a second value different from said first value," as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claims 19-21 are allowable at least by virtue of

their dependencies, as well as because of the novel and non-obvious combinations claimed therein.

Independent claim 22 recites, "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner concedes Benveniste does not disclose "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value." The Examiner points to Rogers, Col. 10, lines 35-43. The cited portion of Rogers, however, discusses identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using a field of traffic specification format to indicate whether a request for service is a request for scheduled service or a request for unscheduled service. The Examiner does not contend that Smith provides the missing teachings. Accordingly, Benveniste, considered alone or in combination with Rogers and Smith, does not render claim 22 obvious at least because the references do not disclose "become informed of a request for scheduled service based on a field of a traffic specification format being set to a first value; become informed of a request for unscheduled service by said field of said traffic specification format being set to a second value different from said first value," as recited. The Examiner provides no reasoned explanation why one of skill in the art would have found the required further modifications to the combination of Benveniste, Rogers and Smith to be obvious. Claim 23 is allowable at least by virtue of its dependency, as well as because of the novel and non-obvious combination claimed therein.

In response to the above arguments, the Examiner states as follows:

25.   Applicant argues: "The cited portion of Rogers instead refers to identifying

packets as part of a particular real-time application packet flow using header fields.

There is no mention of using a field of traffic specification format to indicate whether a

request for service is a request for scheduled service or request for unscheduled

service" (pg 8, lines 16-20).

Examiner respectfully disagrees. Rogers deals with the scheduling of packet

flows to provide guaranteed bandwidth (Col. 6, lines 27-52). Real-time packets of

Rogers are packets associated with delivery delay limit guarantees (Rogers, Col. 10,

lines 30-31). The real-time packets are sent according to a predetermined, allocated

schedule (Rogers, Col. 10, lines 42-43). The packet flow associated with a real-time

application (or an application with delivery delay limit guarantees) is identified by packet

header field values that are common to all packets in the flow (Rogers, Col. 10, lines 35-

38). Therefore, in Rogers there are packet header values that are different between a

scheduled packet flow and unscheduled packets. Rogers uses the packet header

values (a field of traffic specification format) to differentiate between scheduled and

unscheduled packet flows (indicate whether a request for service is a request for

scheduled service or request for unscheduled service).

The cited portions of Column 10 of Rogers upon which the Examiner relies are

reproduced below:

30   The transmission of packets associated with delivery and
        delay limit guarantees, referred to as real-time packets, is
        now described. Such packets may, for example, be associ-
        ated with real-time applications. The association between a
        real-time packet and a real-time application may, for
35   example, be through packet flow. A packet flow associated
        with a real-time application may be identified by some set of
        packet header field values that are common to all packets
        within the packet flow. Real-time packets may also be
        handled by the switch 2. For example, processing of real-
40   time packets sent by the host 1 to the switch 2 requires that
        the host 1 coordinate its guaranteed transmissions with the
        switch 2. The host 1 will further send its real-time packets
        in accordance with a predetermined, allocated schedule. In

Thus, as previously argued, the cited portion of Rogers discusses identifying packets as part of a <u>particular real-time application packet flow</u> using header fields. There is no mention of using a field of traffic specification format of <u>a request for service</u>, for any reason, let alone to indicate whether the request for service is a request for scheduled service or a request for unscheduled service. To the extent the Examiner contends Rogers inherently discloses the missing feature based on the reference to coordinating between the host and the switch, evidentiary support is respectfully requested. It is noted that inherency is not shown merely because a reference could be modified to include a missing feature.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

  /Timothy L. Boller/
Timothy L. Boller
Registration No. 47,435

TLB:dd

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1883120_1.DOC